

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

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Pinal County Air Quality Control District

COMBINED

NOTICE OF PROPOSED RULEMAKING

PURSUANT TO A.R.S. §§49-112 AND 49-471.01 *et seq.*

AND

NOTICE OF ORAL PROCEEDING

PURSUANT TO A.R.S. §49-471.06

[M05-275]

1. Preamble

- A. The District proposes that the Board of Supervisors adopt or amend certain rules under authority of A.R.S. §§49-479 and 49-480, which respectively authorize the board to adopt rules to control air pollution and to adopt a stationary source permit program. Affected rules are identified, and corresponding changes discussed in subsection D. of this preamble, and include the following sections:

Section Affected	Rulemaking Action
Preface	Amend
Table of Contents	Amend
§1-1-020	Amend
§1-2-110	Amend
§1-3-140.89	Amend
§1-3-140.98a	Add
§1-3-140.98b	Add
§2-1-020	Amend
§2-1-040	Amend
§3-1-050	Amend
§3-1-055	Amend
§3-1-060	Amend
§3-2-190	Amend
§3-2-195	Amend
§3-7-602	Amend
§3-9-800	Add
§4-3-080	Amend
§7-1-030.A	Amend

- B. Those wishing further information regarding any aspect of this proposal may contact Scott DiBiase, Planning Manager, Pinal County Air Quality, 31 North Pinal St., Building F, Florence, Arizona, 520-866-6929. To the extent possible, the District will also post information on the County's website, www.co.pinal.az.us, under the "air quality" link.
- C. The rule making process will consist of an initial administrative rule development process, including this notice, a stakeholders meeting, a 30 day public comment period, and an oral proceeding before the Control Officer or his designee. The date and locations for the oral proceedings are set forth below. Written comments are due prior to the close of the comment period, which shall be the close-of-business on the day of the oral proceeding. The final step in the rule adoption process will be a hearing before the Board of Supervisors. The Board of Supervisors hearing will be

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separately scheduled and noticed in accord with A.R.S. §49-479, and, where applicable, the requirements of 40 C.F.R. §51.102.

D. The proposed revisions include the following:

1. Grammatical corrections and minor updates (i.e. numbering corrections, incorrect references, etc.) performed in the following sections:
 - Preface - Corrected spelling of “rescissions”
 - Table of Contents – Addition of §3-9-800
 - §1-1-020 – Updated department division name from Health and Human Services to Development Services.
 - §1-2-110 – Updated amended date for C.F.R. to July 1, 2005.
 - §1-3-140.89 – Added the following text “been designated by EPA as having” to the NON-PRECURSOR ORGANIC COMPOUND definition.
 - §1-3-140.89.tt – Added 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane ($n\text{-C}_3\text{F}_7\text{OCH}_3$) (HFE–7000) to the list of non-precursor organic compounds which addresses EPA’s formal revision of the Definition of Volatile Organic Compounds which excludes four compounds. See 69 Fed. Reg. 69290 (11/29/04).
 - §1-3-140.89.uu – Added 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE–7500, HFE-s702, T–7145, and L–15381) to the list of non-precursor organic compounds which addresses EPA’s formal revision of the Definition of Volatile Organic Compounds which excludes four compounds. See 69 Fed. Reg. 69290 (11/29/04).
 - §1-3-140.89.vv – Added 1,1,1,2,3,3,3-heptafluoropropane(HFC 227ea) to the list of non-precursor organic compounds which addresses EPA’s formal revision of the Definition of Volatile Organic Compounds which excludes four compounds. See 69 Fed. Reg. 69290 (11/29/04).
 - §1-3-140.89.ww – Added methylformate (HCOOCH_3) to the list of non-precursor organic compounds which addresses EPA’s formal revision of the Definition of Volatile Organic Compounds which excludes four compounds. See 69 Fed. Reg. 69290 (11/29/04).
 - §1-3-140.98a – Added definition of PM_{10}
 - §1-3-140.98b – Added definition of $\text{PM}_{2.5}$
 - §2-1-020 – Added the National Ambient Air Quality Standards (NAAQS) for $\text{PM}_{2.5}$ and removed date reference “1992” to 40 CFR Part 50 Appendix K.
 - §2-1-040 – Removed the 1-hour ozone standard and replaced it with the 8-hour ozone standard.
 - §3-1-050 – Added Class III sources to the permit application requirements.
 - §3-1-055 – Added Class III sources to the permit completeness determination.
 - §3-1-060 – Added Class III sources to the permit application review process.
 - §3-2-190 – Removed 3.2.190.A.6 “Are not modifications under Chapter 7., Article 2, of this Code;” - due to incorrect reference since Chapter 7, Article 2 of this code is reserved.
 - §3-2-190.A – Renumbered due to the change above.
 - §3-2-195 – Removed 3.2.195.D “All modifications to sources subject to Chapter 7., Article 2 shall follow significant revision procedures;” - due to incorrect reference since Chapter 7, Article 2 of this code is reserved.
 - §3-2-195 – Revised the lettering due to the change above.
 - §3-7-602 – Added “revised” to the Class III permit fees language.
 - §4-3-080 – Added missing reference “in Appendix C” to registration requirements.
 - §7-1-030.A.22 – Removed incorrectly cited “Reserved”.
2. Addition of §3-9-800 – General Provisions for Portable Sources. This section in accordance with A.A.A. R18-2-324 is a provision for portable sources to notify Pinal County Air Quality Control District at least 10 days prior to a move and provide the appropriate information (i.e. description of the portable source, present and new location, date of move, date of startup at new location, etc.)

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- E. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

See: Criteria documents for Final Rule at 62 FR 38652 (Air Quality Criteria for Particulate Matter (“Criteria Document”) (three volumes, EPA/600/P-95-001aF through EPA/600/P-95-001cF, April 1996, NTIS #PB-96-168224,) and (Review of the National Ambient Air Quality Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information (“Staff Paper”) (EPA-452/R-96-013, July 1996, NTIS #PB-97-115406).

See: Criteria documents for Final Rule at 62 FR 38856 (Air Quality Criteria for O₃ and Other Photochemical Oxidants (“Criteria Document”) (three volumes, EPA/600/P-93-004aF through EPA/600/P-93-004cF, July 1996, NTIS # PB-96-185574,) and (The Review of the National Ambient Air Quality Standards for O₃: Assessment of Scientific and Technical Information (“Staff Paper”) (EPA-452/R-96-007, June 1996, NTIS # PB-96-203435).

See also: *American Trucking Associations, Inc., et al. v. United States Environmental Protection Agency*, 336 U.S. App. D.C. 16, 175 F. 3d 1027, and 531 U.S. 457.

- F. Economic, small business and consumer impact statement

Given the "at least as stringent" mandate of A.R.S. §49-479, the District has not attempted to assess any added costs associated with the conforming changes discussed in subsection D above.

- G. In accord with A.R.S. §49-471.07(F), the proposed changes will take effect upon approval by the Board of Supervisors.

- H. Compliance with the Fee-limitations of A.R.S. §49-112 (A) or (B).

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

Initially, the total of the fees and other charges currently assessed in connection with the administration of the County’s air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County’s fees are capped by rule at ADEQ’s rates, which implicitly affirms that the County’s fees are reasonable. To the extent the County’s program affects certain sources that ADEQ either does not regulate or does not charge, these proposed changes do not impose any additional fees on those sources.

- I. A Notice of Docket Opening for this action was published in Volume 11, Issue 36 of A.A.R., September 2, 2005.

2. The full text of the proposed changes follows:

PREFACE

3. Appendix J; Pinal-Gila Counties Air Quality Control District Rules, as adopted by the Pinal County Board of Supervisors on June 16, 1980, and approved by the Administrator as elements of the Arizona State Implementation Plan at 47 FR 15579 (4/12/82) including certain ~~revisions~~ rescissions approved at 66 F.R. 49293 (9/27/01).

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No changes to the remainder of the Table of Contents

1-1-020. Air Quality Control District

The Pinal County Air Pollution Control District, having been created pursuant to Article 4, Section 401 of the Pinal County Air Pollution Control Ordinance (last amended on June 6, 1969) in accordance with A.R.S. § 49-473.B. (1992) and consisting of an operating division of the Pinal County Department of ~~Health and Human Development~~ Services, is hereby continued and shall be known as the Pinal County Air Quality Control District.

1-2-110. Adopted document(s)

The following documents are incorporated herein by reference:

1. The Arizona Department of Environmental Quality's "Arizona Testing Manual for Air Pollutant Emissions", amended as of March 1992.
2. All ASTM test methods referenced in this Code are those adopted as of the date specified.
3. All parts of the C.F.R. referenced in this Code, unless otherwise indicated, as amended as of July 1, ~~1998~~ 2005.
4. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987".
5. The following test methods and protocols as adopted by the EPA Administrator, but, unless otherwise specifically designated in a particular provision of this Code, as amended as of July 1, ~~1998~~ 2005:
 - a. 40 CFR Part 51, Appendix M.
 - b. 40 CFR Part 58, all appendixes.
 - c. 40 CFR Part 60, all appendixes.
 - d. 40 CFR Part 61, all appendixes.
 - e. 40 CFR Part 63, all appendixes.
 - f. 40 CFR Part 75, all appendixes.
6. All sections of the Arizona Administrative Code expressly incorporated elsewhere in this Code, and unless expressly designated otherwise, as amended as of September 30, 1999;
7. The following appendixes to Arizona Administrative Code, Title 18, Chapter 2, as amended as of September 30, 1999:
 - a. Appendix 9 - Monitoring Requirements.
 - b. Appendix 10 - Evaluation of Air Quality Data.

1-3-140. Definitions

Definitions used in this Code shall have the following meanings except where any narrative portion specifically indicates otherwise:

No changes to sections 1-3-140.1 through 1-3-140.88, 1-3-140.90 through 1-3-140.97 and 1-3-140.99 through 1-3-140.146

89. NON-PRECURSOR ORGANIC COMPOUND - Those organic compounds which have been designated by EPA as having negligible photochemical reactivity, namely:
 - a. Methane.
 - b. Ethane.
 - c. Methylene chloride (dichloromethane).
 - d. 1,1,1-trichloroethane (methyl chloroform).
 - e. 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113).
 - f. Trichlorofluoromethane (CFC-11).
 - g. Dichlorodifluoromethane (CFC-12).
 - h. Chlorodifluoromethane (CFC-22).
 - i. Trifluoromethane (FC-23).
 - j. 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114).
 - k. Chloropentafluoroethane (CFC-115).
 - l. 1,1,1-trifluoro-2,2--dichloroethane (HCFC-123).

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- m. 1,1,1,2-tetrafluoroethane (HFC-134A).
- n. 1,1-dichloro-1-fluoroethane (HCFC-141B).
- o. 1-chloro-1,1-difluoroethane (HCFC-142B).
- p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
- q. Pentafluoroethane (HFC-125).
- r. 1,1,2,2-tetrafluoroethane (HFC-134)
- s. 1,1,1-trifluoroethane (HFC-143A).
- t. 1,1-difluoroethane (HFC-152A).
- u. Parachlorobenzotrifluoride, also known as "PCBTF".
- v. Cyclic, branched, or linear completely methylated siloxanes.
- w. Acetone.
- x. Perchloroethylene.
- y. 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC 225ca)
- z. 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC 225cb)
- aa. 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 4310mee)
- bb. Difluoromethane (HFC-32)
- cc. Ethylfluoride (HFC-161)
- dd. 1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
- ee. 1,1,2,2,3-pentafluoropropane (HFC-245ca)
- ff. 1,1,2,3,3-pentafluoropropane (HFC-245ea)
- gg. 1,1,1,2,3-pentafluoropropane (HFC-245eb)
- hh. 1,1,1,3,3-pentafluoropropane (HFC-245fa)
- ii. 1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
- jj. 1,1,1,3,3-pentafluorobutane (HFC-365mfc)
- kk. Chlorofluoromethane (HCFC-31)
- ll. 1 chloro-1-fluoroethane (HCFC-151a)
- mm. 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
- nn. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃)
- oo. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃)
- pp. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅)
- qq. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅)
- rr. Methyl acetate; and
- ss. perfluorocarbon compounds which fall into these classes:
 - i. Cyclic, branched, or linear, completely fluorinated alkanes;
 - ii. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - iii. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - iv. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- tt. 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3) (HFE-7000)
- uu. 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500, HFE-s702, T-7145, and L-15381)
- vv. 1,1,1,2,3,3,3-heptafluoropropane(HFC 227ea)
- ww. methylformate (HCOOCH3)
- 98. PARTICULATE MATTER - Any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 m.
- 98a. PM₁₀ - Particulate matter with a nominal aerodynamic diameter smaller than or equal to 10 microns (micrometers), as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53.

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- 98b. PM_{2.5} - Particulate matter with a nominal aerodynamic diameter smaller than or equal to 2.5 microns (micrometers), as measured by a reference method contained within 40 CFR 50 Appendix L or by an equivalent method designated in accordance with 40 CFR 53.

2-1-020. Particulate matter

- A. The primary ambient air quality standards for particulate matter are:
1. 50 micrograms per cubic meter of PM₁₀ annual arithmetic mean concentration.
 2. 150 micrograms per cubic meter of PM₁₀ 24-hour average concentration.
 3. 15 micrograms per cubic meter of PM_{2.5} 3-year average of the weighted annual mean concentration, in accordance with 40 C.F.R. Part 50, Appendix N.
 4. 65 micrograms per cubic meter of PM_{2.5} 3-year average of the 98th percentile of 24-hour concentrations, in accordance with 40 C.F.R. Part 50, Appendix N.
- B. The secondary ambient air quality standards for particulate matter are:
1. 50 micrograms per cubic meter of PM₁₀ annual arithmetic mean concentration.
 2. 150 micrograms per cubic meter of PM₁₀ 24-hour average concentration.
 3. The secondary standards for PM_{2.5} are identical to the primary standards of PM_{2.5}.
- C. The primary and secondary annual ambient air quality standards for PM₁₀ shall be considered attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 C.F.R. Part 50, Appendix K (1992), is less than or equal to 50 micrograms per cubic meter.
- D. The primary and secondary 24-hour ambient air quality standards for PM₁₀ shall be considered attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, as determined in accordance with 40 C.F.R. Part 50, Appendix K (1992), is less than or equal to one.

2-1-040. Ozone

- ~~A. The primary ambient air quality standard for ozone is 235 micrograms per cubic meter (0.12 ppm).~~
- ~~B. The secondary ambient air quality standard for ozone is 235 micrograms per cubic meter (0.12 ppm).~~
- ~~C. The standards are attained when the expected number of days per calendar year with maximum hourly average concentrations above 235 micrograms per cubic meter (0.12 ppm) is less than or equal to one, as determined by 40 C.F.R. Part 50, Appendix H (1992).~~
- The primary and secondary ambient air quality standards for ozone is 0.08 ppm for an 8-hour average. To attain this standard, the 3-year average of the fourth-high daily maximum 8-hour average ozone concentration must not exceed 0.08 ppm, in accordance with 40 C.F.R. Part 50, Appendix I.

3-1-050. Permit application requirements

- A. Unless otherwise noted, this section applies to each source requiring a Class I ~~or~~ II or III permit or permit revision.
- B. To apply for a Class I permit, applicants shall complete the "Permit Application Form" and supply all information required by the "Filing Instructions" as shown in Appendix A.
- C. Unless otherwise required by §3-1-045, a timely application is:
1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.
 2. For an existing source that is initially not required to obtain a Class I permit but becomes subject to Class I permit applicability criteria, one that is submitted within 12 months after the source becomes subject to obtaining a Class I permit.
 3. For purposes of a Class I permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.
 4. For purposes of a Class II or III permit renewal, a timely application is one that is submitted at least 3 months, but not greater than 12 months prior to the date of permit expiration.
 5. For initial Phase II acid rain permits required pursuant to §3-6-565, one that is submitted to the Control Officer by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides.

6. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to §112(d) of the Clean Air Act (1990) shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.
- D. If an applicable implementation plan allows the determination of an alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable and subject to replicable compliance determination procedures.
- E. Permit applications need not provide emissions data regarding insignificant activities. Activities which are insignificant pursuant to §1-3-140 need only be listed in Class I permit applications.
- F. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.
- G. A source that has submitted information with a Class I permit application under a claim of confidentiality pursuant to A.R.S. §49-487 (1992) and §3-1-120 of this Code shall submit a copy of such claim and such information directly to the Administrator.
- H. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

3-1-055. Completeness determination

- A. Unless otherwise noted, this section applies to each source requiring a Class I ~~or~~ II or III permit or permit revision.
- B. A complete application is one that satisfies all of the following:
 1. To be complete, an application shall provide all information required pursuant to §3-1-050.B. Applications for permit revisions need supply such information only if it is related to the proposed change, unless the source's proposed permit revision will revise its permit from a Class II or III permit to a Class I permit. A responsible official shall certify the submitted information consistent with §3-1-175.
 2. An application for a new permit or permit revision shall contain an applicability assessment of the requirements of Article 3 of this chapter. If the applicant determines that the proposed new source is a major source as defined in §3-3-203, or the proposed permit revision constitutes a major modification as defined in §1-3-140.78., then the application shall comply with all applicable requirements of Article 3.
 3. An application for a new permit or a permit revision shall contain an applicability assessment of the requirements of Chapter 7 of this Code. If the applicant determines that the proposed new source permit or permit revision is subject to the requirements of Chapter 7 of this Code, the application shall comply with all applicable requirements of Chapter 7.
 4. Except for proposed new major sources or major modifications subject to the requirements of Article 3 of this chapter, an application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail that the application is not complete within 60 days of receipt of the application. For purposes of sources subject to the requirements of Article 3 of this chapter, the Class I permit application will be deemed to be submitted on the date that the completeness determination is made pursuant to Article 3 of this chapter.
 5. If, while processing an application that has been determined or deemed to be complete, the Control Officer determines that additional information is necessary to evaluate or take final action on that application, the Control Officer may request such information in writing, delivered by certified mail and set a reasonable deadline for a response. Except for minor permit revisions as set forth in §3-2-190, a source's ability to operate without a permit, as set forth in this chapter, shall be in effect from the date the application is

determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Control Officer. If the Control Officer notifies an applicant that its application is not complete under Subdivision 3. above, the application may not be deemed automatically complete until an additional 60 days after the next submittal by the applicant. The Control Officer may, after one submittal by the applicant pursuant to this subdivision, reject an application that is determined to be still incomplete and shall notify the applicant of the decision by certified mail.

6. The completeness determination shall not apply to revisions processed through the minor permit revision process.

3-1-060. Permit application review process

- A. Unless otherwise noted, this section applies to each source requiring a Class I ~~or~~ II or III permit or permit revision.
- B. Action on application.
 1. The Control Officer shall issue or deny each permit according to the provisions of §3-1-070. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
 2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:
 - a. The application received by the Control Officer for a permit, permit revision, or permit renewal shall be complete according to §3-1-055.
 - b. Except for revisions qualifying as administrative or minor under §§3-2-185 and 3-2-190, all of the requirements for public notice and participation under §3-1-107 shall have been met.
 - c. For Class I permits, the Control Officer shall have complied with the requirements of §3-1-065 for notifying and responding to affected States, and if applicable, other notification requirements of §§3-3-210.2.e. and 3-3-280.C.2.
 - d. For Class I ~~and~~ II and III permits, the conditions of the permit shall require compliance with all applicable requirements.
 - e. For permits for which an application is required to be submitted to the Administrator under §3-1-065.A., and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Department, the Control Officer has revised and submitted a proposed final permit in response to the objection and EPA has not objected to this proposed final permit.
 - f. For permits to which the Administrator has objected to issuance pursuant to a petition filed under 40 CFR §70.8(d) (1992), the Administrator's objection has been resolved.
 3. Omitted from original.
 4. Omitted from original.
 5. The Control Officer shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. For Class I permits, the Control Officer shall send this statement to the Administrator and for ~~both~~ all Class I ~~and~~ II and III permits, to any other person who requests it.
 6. Except as provided in 40 CFR §70.4(b)(11) (1992), §§3-1-045 and 3-3-210, regulations promulgated under Title IV or V of the Clean Air Act (1990), or the permitting of affected sources under the acid rain program, the Control Officer shall take final action on each permit application (and request for revision or renewal) within 18 months after receiving a complete application.
 7. Priority shall be given by the Control Officer to taking action on applications for construction or modification submitted pursuant to Title I, Parts C and D of the Clean Air Act (1990).
 8. A proposed permit decision shall be published within 9 months of receipt of a complete application and any additional information requested pursuant to §3-1-055.B.5. to process the application. The Control Officer shall provide notice of the decision as provided in §3-1-107 and any public hearing shall be scheduled as expeditiously as possible.
- C. Except as noted under the provisions in §§3-2-180, 3-2-185 and 3-2-190, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if

a source submits a timely and complete application for permit issuance, revision or renewal, the source's failure to have a permit is not a violation of this Code until the Control Officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Control Officer, any additional information identified as being needed to process the application.

3-2-190. Minor permit revisions

- A. Minor permit revision procedures may be used only for those changes at a source that satisfy all of the following:
1. Do not violate any applicable requirement;
 2. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
 3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;
 4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - a. A federally enforceable emissions cap which the source would assume to avoid classification as a modification under any provision of Title I of the Clean Air Act (1990);
 - b. An alternative emissions limit approved pursuant to regulations promulgated under §112(i)(5) of the Clean Air Act (1990);
 5. Are not modifications under any provision of Title I of the Clean Air Act (1990) that would result in a significant net emissions increase of any pollutant subject to regulation under this Code;
 - ~~6. Are not modifications under Chapter 7, Article 2, of this Code;~~
 - ~~7-6.~~ Are not changes in fuels not represented in the permit application or provided for in the permit;
 - ~~8-7.~~ The increase in the source's potential to emit for any regulated pollutant is not significant as defined in §1-3-140.
 - ~~9-8.~~ Are not required to be processed as a significant revision under §3-2-195.
- B. As approved by the Control Officer, minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.
- C. An application for minor permit revisions shall be on the standard application form contained in Appendix A. and include the following:
1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 2. For Class I sources, the source's suggested draft permit;
 3. Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used.
- D. For Class I permits, within 5 working days of receipt of an application for a minor permit revision, the Control Officer shall notify the Administrator and affected states of the requested permit revision in accordance with §3-1-065.
- E. The Control Officer shall follow the following timetable for action on an application for a minor permit revision:
1. For Class I permits, the Control Officer shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the Control Officer that the Administrator will not object to issuance of the permit revision, whichever is first, although the Control Officer may approve the permit revision prior to that time. Within 90 days of the Control Officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the Control Officer shall do one or more of the following:
 - a. Issue the permit revision as proposed.
 - b. Deny the permit revision application.

- c. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures.
 - d. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in §3-1-065.
- 2. Within 90 days of the Control Officer's receipt of an application for a revision of a Class II permit under this section, the Control Officer shall do one or more of the following:
 - a. Issue the permit revision as proposed.
 - b. Deny the permit revision application.
 - c. Determine that the permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures.
 - d. Revise and issue the proposed permit revision.
- F. The source may make the change proposed in its minor permit revision application immediately after it files the application. After the source makes the change allowed by the preceding sentence, and until the Control Officer takes any of the actions specified in Subsection E. of this section, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it.
- G. The permit shield under §3-1-102 shall not extend to minor permit revisions.
- H. Notwithstanding any other part of this section, the Control Officer may require a permit to be revised under §3-2-195 for any change that, when considered together with any other changes submitted by the same source under this section or §3-2-180 over the life of the permit, do not satisfy Subsection A.
- I. The Control Officer shall make available to the public monthly summaries of all applications for minor permit revisions.

3-2-195. Significant permit revisions

- A. Significant revision procedures shall be used for applications requesting permit revisions that do not qualify as minor revisions or as administrative amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall follow significant revision procedures.
- B. All major modifications to major sources of conventional air pollutants, and any reconstruction of a source, or a process or production unit, under section 112(g) of the Act and regulations promulgated thereunder, shall follow significant revision procedures and shall meet the appropriate requirements of Chapter 3., Article 3. of this Code.
- C. All modifications to major sources of federally listed hazardous air pollutants shall follow significant revision procedures and shall meet the appropriate requirements of Chapter 7, Article 1. A physical change to a source or change in the method of operation of a source that complies with §112(g)(1) of the Clean Air Act (1990) shall be a modification required to be processed under this section but not for the purposes of requiring maximum achievable control technology.
- ~~D. All modifications to sources subject to Chapter 7, Article 2 shall follow significant revision procedures.~~
- ~~E.D.~~ Significant permit revisions shall meet all requirements of this article for applications, public participation, review by affected States and review by the Administrator as they apply to permit issuance and renewal.
- ~~F.E.~~ When an existing source applies for a significant permit revision to revise its permit from a Class II permit to a Class I permit, it shall submit a Class I permit application in accordance with the provisions of this Code. The Control Officer shall issue the entire permit, and not just the portion being revised, in accordance with Class I permit-content and permit-issuance requirements, including requirements for public, affected state, and EPA review, as set forth in this Code.
- ~~G.F.~~ The Control Officer shall process the majority of significant permit revision applications within 9 months of receipt of a complete permit application but in no case longer than 18 months.

3-7-602. Class III permit fees

Upon issuance of a new ~~or~~ renewal or revised permit, and annually thereafter, Class III sources shall pay an administrative fee as defined in Appendix B, Section F.

3-9-800. General provisions

- A. In accordance with A.A.C. R18-2-324, A portable source may be transported from one location to another within or across Pinal County boundaries provided the owner or operator of such portable source notifies the Director and any Control Officer who has jurisdiction over the geographic area that includes the new location of the portable source by certified mail at least ten working days prior to the portable source being transported to the new location. The notification required under this rule shall include:
1. A description of the portable source to be transported including the Pinal County permit number or the State of Arizona permit number for such portable source;
 2. A description of the present location;
 3. A description of the location to which the portable source is to be transported, including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;
 4. The date on which the portable source is to be moved;
 5. The date on which operation of the portable source will begin at the new location; and
 6. The duration of operation at the new location.
- B. An owner or operator of a portable source with a current State of Arizona permit that moves such portable source into Pinal County shall notify the Control Officer that such portable source is being transported to a new location and shall include in such notification a copy of the State of Arizona permit and a copy of any conditions imposed by the State of Arizona permit. The source shall be subject to all regulatory requirements of these rules.

4-3-080. Registration Requirements

Prior to engaging in affected activities on a job site, at least one affected party shall file a registration form with the Control Officer, pay the appropriate fee in Appendix C, and receive a registration notice from the Control Officer.

1. Registration Form:
 - a. The applicant shall present a registration on a form approved by the Control Officer, and shall include all essential identification information as specified on that form. A separate registration form is required for each site location not contiguous to the location on the original registration form, unless an annual block registration is approved.
 - b. Each registration shall also include a plot plan with linear dimensions in feet. The plot plan must be on 8-1/2 by 11 inch paper, and may be on one or more sheets. The plan should identify the parcel, the street address, the direction north, the total area to be disturbed and indicates the sources of fugitive dust emission on the plot plan (delivery, transport and storage areas).
 - c. Using the options on the registration form or in the applicant's own words, each registration application shall contain an explanation of how the applicant will demonstrate compliance with this rule, by demonstrating after-the-fact that the control measures and work practices proposed in the registration were in fact utilized on the project. A demonstration of compliance would typically include a daily written log at the work site, or the maintenance of invoices and/or payments reflecting the cost of control measures.
 - d. Annual Block Registration: The land owner, contractor, or subcontractor operating on the job site may submit to the Control Officer one Earthmoving Registration application for more than one earthmoving operation at which construction will commence within 12 months of registration issuance. The earthmoving operations must consist of routine operations: the expansion or extension of utilities, paved roads, unpaved roads, road shoulders, and/or alleys, and public right-of-ways at non-contiguous sites.
 - i. An annual block registration must include all the requirements listed above in this subsection (1 a. through 1 c.) and a description of each site and type of earthmoving activity to be conducted.
 - ii. For any project not listed in the Earthmoving Annual Block Registration Application, the applicant must notify the Control Officer in writing at least three working days prior to commencing the

earthmoving activity. Such notification must include the site location, size, and type of earthmoving activity, and start date.

- e. **Registration Renewal:** The first registration obtained for an affected project must cover a contiguous area (unless it is an "annual block registration") and it is valid for one year from the date of issue. If the project has not been completed at the end of the one-year period, the dust registration must be renewed. Upon renewal, the total acreage covered by the dust registration does not have to be contiguous, although all acreage covered by the renewed dust registration must have been included in the original dust registration.

2. **Registration acknowledgment:**

- a. The registration acknowledgment from the control officer will contain the universal performance standard and conditions regarding the necessary control measures and work practices specific to the applicable project as proposed by the registrant.
- b. The registration acknowledgment shall contain a provision that all registrants keep records documenting the actual application or implementation of the control measures delineated in the registration application for at least 30 days following the termination of the registration acknowledgment.
- c. The registration acknowledgment shall be valid for a period of not more than one year from the date of issue, and may be renewed by providing the Control Officer a new registration application and payment of the appropriate fee.
- d. Registrants shall notify the Control Officer within five working days of the start and completion of the project.
- e. At all sites that are five acres or larger, registrants shall erect a project information sign at the main entrance that is visible to the public or at each end of the road construction project site. The sign shall be a minimum of 24 inches tall by 30 inches wide, have a white background, and have the words "DUST CONTROL" shown in black block lettering which is at least four inches high, and shall contain the following information in legible fashion"
 - i. Project Name
 - ii. Name and phone number of person(s) responsible for conducting project
 - iii. Text stating: "Dust Complaints? Call Pinal County Air Quality Control District at (520) 866-6929."

7-1-030. Performance standards for federally listed hazardous air pollutants

- A. Subject to the specified exceptions, the following Subparts of 40 CFR Part 61 and 63, NESHAPs, along with accompanying appendices, adopted by the Administrator as of July 18, 2003, and other than as expressly defined below, no future editions, are hereby adopted by reference:
 - 1. SUBPART A - General Provisions (§§61.01 - 61.19)
 - 2. SUBPART B - Radon Emissions from Underground Uranium Mines (§§61.20 - 61.26)
 - 3. SUBPART C - Beryllium (§§61.30 - 61.34)
 - 4. SUBPART D - Beryllium Rocket Motor Firing (§§61.40 - 61.44)
 - 5. SUBPART E - Mercury (§§61.50 - 61.56)
 - 6. SUBPART F - Vinyl Chloride (§§61.60 - 61.71)
 - 7. Reserved - G
 - 8. Reserved - H
 - 9. Reserved - I
 - 10. SUBPART J - Benzene Fugitive Emissions Sources and Equipment Leaks (§§61.01 - 61.19)
 - 11. Reserved - K
 - 12. SUBPART L - Benzene Emissions from Coke By-Product Recovery Plants (§§61.130 - 61.139)
 - 13. SUBPART M - Asbestos (§§61.145 - 61.157 and Appendix A)
 - 14. SUBPART N - Inorganic Arsenic Emissions from Glass Manufacturing Plants (§§61.160 - 61.165)
 - 15. SUBPART O - Inorganic Arsenic Emissions from Primary Copper Smelters (§§61.170 - 61.177)
 - 16. SUBPART P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities (§§61.180 - 61.186)

17. Reserved - Q
18. Reserved - R
19. Reserved - S
20. Reserved - T
21. Reserved - U
22. ~~Reserved~~ SUBPART V - Volatile Hazardous Air Pollutants: Fugitive Emissions and Equipment Leaks (§§61.240 - 61.247)
23. Reserved - W
24. Reserved - X
25. SUBPART Y - Benzene Storage Vessels (§§61.270 - 61.277)
26. Reserved - Z
27. Reserved - AA
28. SUBPART BB - Benzene Transfer Operations (§§61.300 - 61.306)
29. Reserved - CC
30. Reserved - DD
31. Reserved - EE
32. SUBPART FF - Benzene Waste Operations (§§61.340 - 61.358)

3. Where persons may obtain a full copy of the proposed rule or existing rules:

Name: Pinal County Air Quality Control District

Address: P.O. Box 987 31 North Pinal St., Building F
Florence, Arizona 85232 Florence, Arizona

Telephone: 520-866-6929

Fax: 520-866-6967

Note - the District has the proposed revisions, as well as supporting materials, available in hard-copy or on disk, and will endeavor to post these materials on the county's website.

4. Date, time, and location of scheduled public workshops and hearings:

A. Stakeholders Meeting

Date: November 9, 2005

Time: 10:00 a.m.

Location: Emergency Operations Center Hearing Room, Administration Building F, 31 North Pinal Street, Florence, Arizona

Nature of meeting: The Control Officer will meet informally with any interested party for the purpose of discussing the proposed rules.

B. Oral Proceeding

Date: November 16, 2005

Time: 10:00 a.m.

Location: Emergency Operations Center Hearing Room, Administration Building F, 31 North Pinal Street,
Florence, Arizona

Nature of meeting: Oral proceeding before the Control Officer or his designee, in accord with A.R.S. §49-471.06(C) to
consider public comments upon any or all of this proposal.